

REMARKS

The present application has been reviewed in light of the Office Action dated August 27, 2009. Claims 1, 3-5, 8-10, 13-15, 17-19, and 21-23 are presented for examination, of which Claims 1 and 8-10 are in independent form. Claims 1 and 8-10 have been amended to define aspects of Applicants' invention more clearly. Favorable reconsideration is requested.

Applicants note that the Examiner has not indicated that the document cited in the Information Disclosure Statement submitted on September 5, 2006, has been considered. It is respectfully requested that the document be considered by the Examiner, and that an initialed copy of the Form PTO-1449 be returned indicating that the document has been considered.

Claims 1, 3-5, 8-10, 13-15, 17-19, and 21-23 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants gratefully acknowledge the suggestion, at page 3 of the Office Action, that the claims be amended such that the steps are carried out via a processor or computer, in the body of the claim and not in the preamble. Applicants have amended Claims 1 and 8-10, which are the only independent claims in the present application, such that the steps are carried out by a processor. It is believed that the rejections under Section 101 have been obviated, and their withdrawal is therefore respectfully requested.

In view of the above, Applicants respectfully submit that Claims 1, 3-5, 8-10, 13-15, 17-19, and 21-23 are in condition for allowance, and respectfully request favorable reconsideration and an early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment

timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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